IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CMPMO No. 401 of 2004.

Date of Decision: 4th September, 2006.

Bishan Dass. …. Petitioner

Versus

Narottam Sharma & others. Respondents

Coram
The Hon'ble Mr. Justice V.K. Gupta, C.J.

Whether approved for reporting[1]?

For the Petitioner: Ms. Jyotsna Rewal Dua, Advocate.

For the respondent: Mr. Mr. N.K. Thakur, Advocate, for respondent No.1 to 7.

V.K. Gupta, C.J. (Oral).

In the application filed under Order 8 Rule 3-A read with Section 151 of the Code of Civil Procedure, the petitioner wanted to place on record of the trial Court the documents mentioned therein but the learned Rent Controller (trial Court) as well as the learned Appellate Authority, both have declined to grant the said relief in favour of the petitioner.

After hearing the learned counsel for the parties, I allow this petition and by quashing the aforesaid impugned orders passed by the

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[1] Whether reporters of the Local Papers are allowed to see the Judgment?

learned Rent Controller as well as the learned Appellate Authority (District Judge, Hamirpur), I allow the aforesaid application of the petitioner filed under Order 8 Rule 3-A read with Section 151 of the Code of Civil Procedure and direct that, subject to the petitioner paying Rs.5,000/- as costs within four weeks from today to the opposite parties, the certified copies of the documents mentioned in the aforesaid application of the petitioner shall be permitted to be produced in the trial Court at the time the petitioner appears as his own witness. He actually may tender these documents during the course of his examination-in-chief and would thus also be liable for being cross-examined with respect to such documents if the respondents herein so desire.

By this order being passed by me today the petitioner has been permitted merely and only to produce and tender the aforesaid documents before the learned Rent Controller. Whether the documents would be relevant at all for any purpose with respect to the issues arising for consideration in the eviction petition would be a matter which the learned Court below shall decide at the appropriate stage of the proceedings of

the case. The mere production or tendering of the documents by themselves shall not per se amount to any relevant fact being proved or disproved.

I am surprised in this case to find out that the learned Rent Controller has given undue latitude to the petitioner with respect to the leading and the completion of his evidence. It was on 11th September, 2001 that the petitioner was given the first opportunity to lead the evidence. I am told that till date not one witness has been produced by the petitioner herein. I direct that the learned Rent Controller shall ensure that the production and recording of the entire evidence of the petitioner herein is completed in the year 2006 itself.

The petition is disposed of.

CMPs No.336 and 337 of 2004.

In view of the disposal of the main petition, both the applications are disposed of. Interim order passed on 18th November, 2004 shall stand vacated.

Dasti copy on usual terms.

4th September, 2006(tr). (V.K. Gupta), C.J.